REMARKS

Remarks made herein make reference to an Advisory Action mailed August 30, 2007. Applicants note that the Advisory Action fails to indicate that a Notice of Appeal was filed concurrently with an amendment dated August 21, 2007, which is part of the file wrapper according to public PAIR at the USPTO website.

The only rejection apparently maintained in the Advisory Action is addressed below.

The written description rejection under 35 USC §112, first paragraph

The examiner rejected claims 44, 81 through 90, 92 through 98, 102 through 107 and 123 under 35 USC §112, first paragraph, for assertedly lacking written description in the specification. The examiner acknowledged that the specification at paragraph [0078] in the published application teaches daily loading dosages of greater than 200 mg, but also asserted that the same paragraph provided an upper limit to this dosage as being that which is "up to the maximum dosage described herein."

Without admitting the propriety of the examiner's position, claim 44 is amended herein to recite that the daily treatment dosage is greater than 200 mg daily up to 410 mg daily as described in the specification at paragraph [0204] in the published application. The applicants note that this maximum daily dosage is described under a discussion of treating Wilson's disease, and previously in prosecution of this application, the examiner expressed concern as to whether a dosage for treating Wilson's disease is descriptive of dosages for the recited methods. [*See* Office Action mailed March 21, 2007, page 3.]

The applicants note that the quote provided by the examiner in paragraph [0078] does not state that a contemplated maximum dosage for treatment of any particular indication. Indeed, "described herein" is not limited to disclosure found in any particular sentence, paragraph or section of the application. Thus, "herein" as used in paragraph [0078] must be construed to mean within the application in it's entirety, and as shown above, the examiner has previously admitted that a maximum daily dosage of 410 mg is described in the application. It is irrelevant that this dosage is described in a section relating to treatment of Wilson's disease; the important facts are that this is the maximum daily dosage described in

the application for treating any condition and paragraph [0078] makes reference to the maximum daily dosage described in the application.

Accordingly, the subject matter of the claims is fully supported in the specification and the rejection for asserted lack of written description must be withdrawn.

The double-patenting rejection

The applicants again acknowledge the rejection of claims 44, 83 through 85, 104, 106, 107, and 116 through 122 over claims 43 through 48 and 57 in US Patent No. 6,703,050 and submit that, upon notification from the examiner, either in writing or by telephone, that the instant claims are in condition for allowance, a terminal disclaimer will be duly filed.

Dated: October 22, 2007

Respectfully submitted,

By _____

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